

FILED

MAR 25 2025

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CLERK, U.S. DISTRICT COURT
TEXAS EASTERN

UNITED STATES OF AMERICA	§	
	§	No. 4:24-CR-00219
v.	§	
	§	
PHILLIP DAVID DANIEL	§	

FACTUAL BASIS

1. The government presents to the Court, by and through the undersigned Assistant United States Attorney in and for the Eastern District of Texas, joined by the defendant, **Phillip David Daniel**, the defendant's attorney, **Matthew D. Hamilton**, and presents this factual basis in support of the defendant's plea of guilty to plea of guilty to Count 1 of the Indictment, Engaging in the Business of Firearms without a License, in violation of 18 U.S.C. 922(a)(1)(a), and in support thereof, would show the following:

2. That the defendant, **Phillip David Daniel**, hereby stipulates and agrees to the truth of all matters set forth in this factual basis, and agrees that such admission may be used by the Court in support of his plea of guilty to the Count 1 of the Indictment, Engaging in the Business of Firearms without a License, in violation of 18 U.S.C. 922(a)(1)(a).

3. That the defendant, **Phillip David Daniel**, who is pleading guilty to such indictment, is one and the same person charged in the indictment.

4. That the events described in the indictment occurred in the Eastern District of Texas and elsewhere.

5. That had this matter proceeded to trial, the government, through the testimony of witnesses, including expert witnesses, and through admissible exhibits, would have proven,

beyond a reasonable doubt, each and every essential element of the offense alleged in the indictment; specifically, the government would have proven the following stipulated facts:

- a. Beginning around April 7, 2019 and continuing until September 24, 2024, **Phillip David Daniel** engaged in the business of selling firearms at a wholesale or retail level. During this time period, **Phillip David Daniel** sold over 200 firearms.
- b. On June 14, 2021, **Phillip David Daniel** was presented with an ATF 'Cease and Desist' letter, warning the defendant that his firearms sales were under investigation, and that he was engaged in the business of dealing firearms without a federal firearm license (FFL) in violation of federal law. Accordingly, **Phillip David Daniel** was advised that he needed to cease this conduct. **Phillip David Daniel** acknowledged and signed this letter.
- c. Since receiving this letter on June 14, 2021, **Phillip David Daniel** continued to engage in the business of selling firearms without a license.
- d. On June 21, 2024, **Phillip David Daniel** sold five firearms for profit to an undercover agent, after being informed that the firearms would subsequently be resold. This transaction occurred at the Buccee's gas station, located at 2800 South Interstate 35E in Denton County, Texas. Denton County, Texas, is within the jurisdiction of the Eastern District of Texas.
- e. On September 24, 2024, **Phillip David Daniel** sold a firearm to an undercover agent, after being informed that the firearm would be resold in Chicago for a profit. This transaction occurred at the CVS parking lot, located at 2451 East

University Drive in Prosper, Collin County, Texas. Collin County, Texas, is within the jurisdiction of the Eastern District of Texas.

f. **Phillip David Daniel** engaged in the business of selling firearms without a license issued by federal law.

g. **Phillip David Daniel** engaged in the business of selling firearms without a license willfully, that is, with knowledge that his conduct was unlawful.

6. I have read this factual basis and the indictment or have had them read to me and have discussed them with my attorney. I fully understand the contents of this factual basis and agree without reservation that it accurately describes the events and my acts.

Dated: _____

3.25.25



PHILLIP DAVID DANIEL
Defendant

DEFENSE COUNSEL'S SIGNATURE AND ACKNOWLEDGMENT

I have read this factual basis and the indictment and have reviewed them with my client, Phillip David Daniel. Based upon my discussions with the defendant, I am satisfied that the defendant understands the factual basis as well as the Indictment, and is knowingly and voluntarily agreeing to these stipulated facts.

Dated: _____

3.25.25



MATTHEW D. HAMILTON
Attorney for the Defendant